

RECORDING COVER SHEET

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DO NOT AFFECT THE TRANSACTION(S) CONTAINED
IN THE INSTRUMENT ITSELF.

State of Oregon, County of Klamath
Recorded 06/02/05 11:25 a.m.
Vol M05 Pg 40980-87
Linda Smith, County Clerk
Fee \$ 56⁰⁰ # of Pgs 8

After Recording Return To:

*Enterprise Irrigation District
3939 S. 6th St. #325
Klamath Falls, OR 97603*

1. Name(s) of the Transaction(s):

Agreement for Easement

2. Direct Party (Grantor):

Clem J. Pine and Ann J. Pine, husband & wife

3. Indirect Party (Grantee):

*Enterprise Irrigation District, an Oregon
municipal corporation*

4. True and Actual Consideration Paid:

N/A

5. Legal Description:

See attached Exhibits

This document is being rerecorded to add the legal descriptions.

567 refiled Ernie Wiggett*

AGREEMENT FOR EASEMENT

THIS AGREEMENT, made and entered into this 4TH day of MAY 2005, by and between Clem J. Pine and Ann J. Pine, husband and wife, hereinafter collectively called "Grantors", and Enterprise Irrigation District, an Oregon Municipal Corporation, hereinafter called "Grantees":

Recitals

1. Grantors are the record owner of the real property located in Klamath County, Oregon, described on the attached Exhibit "A".

2. Grantors have the unrestricted right to grant easements relative to said real property.

3. There currently exists an easement for the benefit of Grantees upon Grantors property for the ditches and canals of Grantee. Said easement is described at Volume M84 Page 20944, real property records for Klamath County, Oregon.

4. It is the intent of this easement to extinguish the easement described in paragraph 3 above and to replace said easement with two new easements, the first being a 60 foot right of way for ingress, egress and public utilities and the second being a 16 foot wide right of way for irrigation utilities.

5. Grantor and Grantee contemplate that the 60 foot right of way for ingress, egress and public utilities may, in the future, and at the election of Grantee, become a county road, to access the properties located to the north and east of Grantor's subservient estate.

AGREEMENT - EASEMENT NUMBER 1

Grantors convey to Grantee, it's heirs, successors, and assigns, a perpetual non-exclusive easement across the property of the Grantors, more particularly described on the attached Exhibit "B". Said easement to be for ingress, egress and public utilities.

The terms of this easement are as follows:

1. Grantees, their agents, independent contractors and invitees shall use the easement for ingress, egress and public utilities, for access to Grantee's property to the north and east of Grantors, and in conjunction with such use may construct, reconstruct, maintain and repair a road thereon. Grantee shall use the easement for utility and road access, to maintain utility pipes upon the easement and to access Grantee's property to the east and north of Grantor's property.

1. AGREEMENT FOR EASEMENT

State of Oregon, County of Klamath
Recorded 05/05/2005 3:33 p.m.
Vol M05 Pg 32690-92
Linda Smith, County Clerk
Fee \$ 31.00 # of Pgs 3

CH 31- rfi o/c Ernie W. 9984

2. Grantors reserve the right to use, construct, reconstruct and maintain the road located upon the easement and Grantor may grant use rights for use by third parties. The parties shall cooperate during periods of joint use so that each parties' use shall cause a minimum of interference to the others, however, in case of conflict, Grantors' right of use shall be dominant.

3. Grantees agree to indemnify and defend Grantors from any loss, claim or liability to Grantors arising in any manner out of Grantees' use of the easement. Grantees assume all risks arising out of their use of the easement and Grantors shall have no liability to Grantees or others for any condition existing thereon.

4. This easement is appurtenant and for the benefit of the real property owned by Grantees to the east and north of Grantors property.

5. This easement shall be perpetual and shall not terminate for periods of non-use by Grantees. Said easement may be terminated upon written agreement by Grantors and Grantees, their heirs, successors and assigns. Said easement shall, at the option of Grantee, be converted into a public, county road, to benefit other properties to the north and east of Grantor's property. Should Grantee elect to convert this easement into a county road, this easement shall automatically terminate to allow for Klamath County to approve such public road.

6. This easement and any subsequent County road created here from are not intended to benefit the property to the south of Grantor's property.

7. This easement is granted subject to all prior easements or encumbrances of record.

EASEMENT NUMBER 2

Grantors convey to Grantees, their heirs, successors, and assigns, a perpetual non-exclusive easement across the property of the Grantors, more particularly described on the attached Exhibit "C".

The terms of this easement are as follows:

1. Grantees, their agents, independent contractors and invitees shall use the easement for utility purposes only, to transport water across the property of Grantors. To facilitate such use, Grantee may construct, reconstruct, maintain and repair a pipeline and ditch thereon.

2. The parties shall cooperate during periods of joint use so that each parties' use shall cause a minimum of interference to

2. AGREEMENT FOR EASEMENT

the others, however, in case of conflict, Grantors' right of use shall be dominant.

3. Grantees agree to indemnify and defend Grantors from any loss, claim or liability to Grantors arising in any manner out of Grantees' use of the easement. Grantees assume all risks arising out of their use of the easement and Grantors shall have no liability to Grantees or others for any condition existing thereon.

4. This easement shall be perpetual and shall not terminate for periods of non-use by Grantees. Said easement may be terminated upon written agreement by Grantors and Grantees, their heirs, successors and assigns.

5. This easement is intended to revoke and replace that easement for the benefit of Grantee described in Volume M84 Page 20944.

Dated this 15th day of May 2005.

Clem J. Pine
Clem J. Pine Grantor

Ann J. Pine
Ann J. Pine Grantor

Bill Essig
Enterprise Irrigation District
By: Bill Essig
Its: Chairman of Board
Grantee

EXHIBIT "A"
LEGAL DESCRIPTION

40984

PARCEL 1:

A tract of land situated in the NW1/4 of the SE1/4 of Section 1, Township 39, South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the North center of Section 1; thence East to the Northwest corner of Deed 258/670; thence South 742.4 feet to the true point of beginning; thence East 165.6 feet; thence South 139.3 feet; thence West 165.6 feet; thence North 139.3 feet to the point of beginning.

EXCEPTING THEREFROM the South 20 feet.

AND EXCEPTING THEREFROM that portion thereof conveyed to Chris Johnson and Yvette D. Corwin, husband and wife, by Quitclaim Deed recorded December 29, 2004 in Volume M04, page 88987, Microfilm Records of Klamath County, Oregon, described as follows:

Beginning at the Northwest corner of that tract of land described as Parcel 1 in Deed Volume M84, page 20944 of the Klamath County Deed Records, from which the center ¼ corner of said Section 1 bears North 25° 44' 26" West 823.29 feet; thence along the boundary of said Deed Volume East 165.60 feet and South 00° 00' 23" East 25.85 feet to the intersection of an existing fence; thence South 84° 47' 46" West along the existing fence line and its extension 166.28 feet to a point on the West line of said Deed Volume; thence North 00° 00' 23" West 40.94 feet to the point of beginning.

PARCEL 2:

The Southerly 20 feet of the following described tract of land:

A tract of land situated in the NW1/4 of the SE1/4 of Section 1, Township 39, South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the North center of Section 1; thence East to the Northwest corner of Deed 258/670; thence South 742.4 feet to the true point of beginning; thence East 165.6 feet; thence South 139.3 feet; thence West 165.6 feet; thence North 139.3 feet to the point of beginning.

PARCEL 3:

A portion of the W1/2 SE1/4 of Section 1, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

(Parcel 3 continued)

Beginning at a point which is 662 feet Westerly on the Northerly right of way line of the Dalles-California Highway from the Southeast corner of the SW1/4 SE1/4 of Section 1, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, and thence North 1,241.46 feet, more or less, to a point which is the Southeast corner of a "...strip of land 139.3 feet wide..." as described in deed from Allen Golden and Beulah Golden to James Williams Parks recorded in Volume 235 at page 4, Deed Records of Klamath County, Oregon; thence South 85° 28' West, along the Southerly line of said strip of land, a distance of 227.0 feet to the true point of beginning of this description; thence continuing South 85° 28' West, along the Southerly line of said strip of land, a distance of 242.0 feet; thence South a distance of 226.7 feet, more or less, to the South bank of the Enterprise Irrigation District Ditch; thence Southeasterly along the South bank of said ditch, to a point which is South a distance of 398 feet from the point of beginning; thence North a distance of 398 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM that portion thereof conveyed to Mike Ryser and Catherine Ryser, husband and wife, by Quitclaim Deed recorded December 29, 2004 in Volume M04, page 88985, Microfilm Records of Klamath County, Oregon, described as follows:

Beginning at the Northeast corner of that tract of land described as Parcel 2 in Deed Volume M84, page 20944 of the Klamath County Deed Records, from which the center ¼ corner of said Section 1 bears North 34° 14' 27" West 1065.58 feet; thence South 00° 00' 23" East along the East line of said Deed Volume 18.89 feet; thence South 84° 47' 46" West 76.72 feet; thence North 00° 00' 23" West 25.85 feet to a point on the North line of said Deed Volume; thence East 76.40 feet to the point of beginning.

TOGETHER WITH an easement for ingress, egress and public utilities over and across that portion of the property conveyed to Mike Ryser and Catherine Ryser, husband and wife, by Quitclaim Deed recorded December 29, 2004 in Volume M04, page 88985, Microfilm Records of Klamath County, Oregon, described as follows:

Beginning at the Southwest corner of the tract described in said Quitclaim Deed recorded in Volume M04, page 88985; thence North 84° 47' 46" East 76.72 feet; thence North 00° 00' 23" West 18.89 feet; thence South 82° 35' 33" West 77.04 feet; thence South 00° 00' 23" East 15.92 feet.

Account No.:	3909-001DB-00500-000
Account No.:	3909-001DB-01200-000
Account No.:	3909-001DB-01000-000
Account No.:	3909-001DB-01100-000

Key No.:	510218
Key No.:	510254
Key No.:	510272
Key No.:	510263

40986

OWNERS

DENNIS ENSOR O.L.S. C.W.R.E.
SANDE ENSOR**TRU SURVEYING, INC. LINE**2333 SUMMERS LANE
KLAMATH FALLS, OREGON 97603
PHONE: (541) 884-3691

JOHN HEATON L.S.T.

MARCH 25, 2005

LEGAL DESCRIPTION
FOR
60' INGRESS, EGRESS AND PUBLIC UTILITIES
EASEMENT

A TRACT OF LAND SITUATED IN THE W1/2 SE1/2 OF SECTION 1, T39S,
R9EWM, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

THE SOUTHERLY 60 FEET OF THAT TRACT OF LAND AS DESCRIBED IN DEED
VOLUME M84 AT PAGE 20944, DEED RECORDS OF KLAMATH COUNTY, OREGON.

Dennis A. Ensor
DENNIS A. ENSOR O.L.S. 2442

REGISTERED
PROFESSIONAL
LAND SURVEYOR*Dennis A. Ensor*OREGON
JULY 25, 1990
DENNIS A. ENSOR
2442

EXPIRES 12/31/05

EXHIBIT "B"

OWNERS

DENNIS ENSOR O.L.S. C.W.R.E.
SANDIE ENSOR**TRU SURVEYING, INC. LINE**2333 SUMMERS LANE
KLAMATH FALLS, OREGON 97603
PHONE: (841) 884-3691

40987


JOHN HEATON L.S.17.

MARCH 25, 2005

LEGAL DESCRIPTION
FOR
16' IRRIGATION EASEMENT
FOR
ENTERPRISE IRRIGATION DISTRICT

A TRACT OF LAND SITUATED IN THE W1/2 SE1/2 OF SECTION 1, T39S,
R9EWM, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

THE NORTHERLY 16 FEET OF THE SOUTHERLY 76 FEET OF THAT TRACT OF
LAND AS DESCRIBED IN DEED VOLUME M84 AT PAGE 20944, DEED RECORDS OF
KLAMATH COUNTY, OREGON.

REGISTERED
PROFESSIONAL
LAND SURVEYOROREGON
JULY 28, 1990
DENNIS A. ENSOR
2442
DENNIS A. ENSOR O.L.S. 2442

EXPIRES 12/31/05

EXHIBIT "C"